

AMENDMENTS TO LB795

Introduced by Storer, 43.

1 1. Insert the following new sections:

2 **Sec. 2.** Section 28-416, Revised Statutes Supplement, 2025, is
3 amended to read:

4 28-416 (1) Except as authorized by the Uniform Controlled Substances
5 Act, it shall be unlawful for any person knowingly or intentionally: (a)
6 To manufacture, distribute, deliver, dispense, or possess with intent to
7 manufacture, distribute, deliver, or dispense a controlled substance; or
8 (b) to create, distribute, or possess with intent to distribute a
9 counterfeit controlled substance.

10 (2) Except as provided in subsections (4), (5), (7), (8), (9), and
11 (10), and (11) of this section, any person who violates subsection (1) of
12 this section with respect to: (a) A controlled substance classified in
13 Schedule I, II, or III of section 28-405 which is an exceptionally
14 hazardous drug shall be guilty of a Class II felony; (b) any other
15 controlled substance classified in Schedule I, II, or III of section
16 28-405 shall be guilty of a Class IIA felony; or (c) a controlled
17 substance classified in Schedule IV or V of section 28-405 shall be
18 guilty of a Class IIIA felony.

19 (3) A person knowingly or intentionally possessing a controlled
20 substance, except marijuana or any substance containing a quantifiable
21 amount of the substances, chemicals, or compounds described, defined, or
22 delineated in subdivision (c)(28) of Schedule I of section 28-405, unless
23 such substance was obtained directly or pursuant to a medical order
24 issued by a practitioner authorized to prescribe while acting in the
25 course of his or her professional practice, or except as otherwise
26 authorized by the act, shall be guilty of a Class IV felony. A person
27 shall not be in violation of this subsection if section 28-472 or 28-1701

1 applies.

2 (4)(a) Except as authorized by the Uniform Controlled Substances
3 Act, any person eighteen years of age or older who knowingly or
4 intentionally manufactures, distributes, delivers, dispenses, or
5 possesses with intent to manufacture, distribute, deliver, or dispense a
6 controlled substance or a counterfeit controlled substance (i) to a
7 person under the age of eighteen years, (ii) in, on, or within one
8 thousand feet of the real property comprising a public or private
9 elementary, vocational, or secondary school, a community college, a
10 public or private college, junior college, or university, or a
11 playground, or (iii) within one hundred feet of a public or private youth
12 center, public swimming pool, or video arcade facility shall be punished
13 by the next higher penalty classification than the penalty prescribed in
14 subsection (2), (7), (8), (9), or (10), or (11) of this section,
15 depending upon the controlled substance involved, for the first violation
16 and for a second or subsequent violation shall be punished by the next
17 higher penalty classification than that prescribed for a first violation
18 of this subsection, but in no event shall such person be punished by a
19 penalty greater than a Class IB felony.

20 (b) For purposes of this subsection:

21 (i) Playground means any outdoor facility, including any parking lot
22 appurtenant to the facility, intended for recreation, open to the public,
23 and with any portion containing three or more apparatus intended for the
24 recreation of children, including sliding boards, swingsets, and
25 teeterboards;

26 (ii) Video arcade facility means any facility legally accessible to
27 persons under eighteen years of age, intended primarily for the use of
28 pinball and video machines for amusement, and containing a minimum of ten
29 pinball or video machines; and

30 (iii) Youth center means any recreational facility or gymnasium,
31 including any parking lot appurtenant to the facility or gymnasium,

1 intended primarily for use by persons under eighteen years of age which
2 regularly provides athletic, civic, or cultural activities.

3 (5)(a) Except as authorized by the Uniform Controlled Substances
4 Act, it shall be unlawful for any person eighteen years of age or older
5 to knowingly and intentionally employ, hire, use, cause, persuade, coax,
6 induce, entice, seduce, or coerce any person under the age of eighteen
7 years to manufacture, transport, distribute, carry, deliver, dispense,
8 prepare for delivery, offer for delivery, or possess with intent to do
9 the same a controlled substance or a counterfeit controlled substance.

10 (b) Except as authorized by the Uniform Controlled Substances Act,
11 it shall be unlawful for any person eighteen years of age or older to
12 knowingly and intentionally employ, hire, use, cause, persuade, coax,
13 induce, entice, seduce, or coerce any person under the age of eighteen
14 years to aid and abet any person in the manufacture, transportation,
15 distribution, carrying, delivery, dispensing, preparation for delivery,
16 offering for delivery, or possession with intent to do the same of a
17 controlled substance or a counterfeit controlled substance.

18 (c) Any person who violates subdivision (a) or (b) of this
19 subsection shall be punished by the next higher penalty classification
20 than the penalty prescribed in subsection (2), (7), (8), (9), or (10), or
21 (11) of this section, depending upon the controlled substance involved,
22 for the first violation and for a second or subsequent violation shall be
23 punished by the next higher penalty classification than that prescribed
24 for a first violation of this subsection, but in no event shall such
25 person be punished by a penalty greater than a Class IB felony.

26 (6) It shall not be a defense to prosecution for violation of
27 subsection (4) or (5) of this section that the defendant did not know the
28 age of the person through whom the defendant violated such subsection.

29 (7) Any person who violates subsection (1) of this section with
30 respect to cocaine or any mixture or substance containing a detectable
31 amount of cocaine in a quantity of:

1 (a) One hundred forty grams or more shall be guilty of a Class IB
2 felony;

3 (b) At least twenty-eight grams but less than one hundred forty
4 grams shall be guilty of a Class IC felony; or

5 (c) At least ten grams but less than twenty-eight grams shall be
6 guilty of a Class ID felony.

7 (8) Any person who violates subsection (1) of this section with
8 respect to base cocaine (crack) or any mixture or substance containing a
9 detectable amount of base cocaine in a quantity of:

10 (a) One hundred forty grams or more shall be guilty of a Class IB
11 felony;

12 (b) At least twenty-eight grams but less than one hundred forty
13 grams shall be guilty of a Class IC felony; or

14 (c) At least ten grams but less than twenty-eight grams shall be
15 guilty of a Class ID felony.

16 (9) Any person who violates subsection (1) of this section with
17 respect to heroin or any mixture or substance containing a detectable
18 amount of heroin in a quantity of:

19 (a) One hundred forty grams or more shall be guilty of a Class IB
20 felony;

21 (b) At least twenty-eight grams but less than one hundred forty
22 grams shall be guilty of a Class IC felony; or

23 (c) At least ten grams but less than twenty-eight grams shall be
24 guilty of a Class ID felony.

25 (10) Any person who violates subsection (1) of this section with
26 respect to amphetamine, its salts, optical isomers, and salts of its
27 isomers, or with respect to methamphetamine, its salts, optical isomers,
28 and salts of its isomers, in a quantity of:

29 (a) One hundred forty grams or more shall be guilty of a Class IB
30 felony;

31 (b) At least twenty-eight grams but less than one hundred forty

1 grams shall be guilty of a Class IC felony; or

2 (c) At least ten grams but less than twenty-eight grams shall be
3 guilty of a Class ID felony.

4 (11)(a) Any person who violates subsection (1) of this section with
5 respect to fentanyl or any mixture or substance containing a detectable
6 amount of fentanyl in a quantity of:

7 (i) One hundred forty grams or more shall be guilty of a Class IB
8 felony;

9 (ii) At least twenty-eight grams but less than one hundred forty
10 grams shall be guilty of a Class IC felony; or

11 (iii) At least ten grams but less than twenty-eight grams shall be
12 guilty of a Class ID felony.

13 (b) For purposes of this subsection, fentanyl means:

14 (i) Fentanyl;

15 (ii) Any isomer, ester, ether, or salt of fentanyl or any salt of
16 any isomer, ester, or ether of fentanyl; and

17 (iii) Any substance described in subdivision (a)(111) of Schedule I
18 of section 28-405.

19 (12) (11) Any person knowingly or intentionally possessing marijuana
20 weighing more than one ounce but not more than one pound shall be guilty
21 of a Class III misdemeanor.

22 (13) (12) Any person knowingly or intentionally possessing marijuana
23 weighing more than one pound shall be guilty of a Class IV felony.

24 (14) (13) Except as provided in section 28-1701, any person
25 knowingly or intentionally possessing marijuana weighing one ounce or
26 less or any substance containing a quantifiable amount of the substances,
27 chemicals, or compounds described, defined, or delineated in subdivision
28 (c)(28) of Schedule I of section 28-405 shall:

29 (a) For the first offense, be guilty of an infraction, receive a
30 citation, be fined three hundred dollars, and be assigned to attend a
31 course as prescribed in section 29-433 if the judge determines that

1 attending such course is in the best interest of the individual
2 defendant;

3 (b) For the second offense, be guilty of a Class IV misdemeanor,
4 receive a citation, and be fined four hundred dollars and may be
5 imprisoned not to exceed five days; and

6 (c) For the third and all subsequent offenses, be guilty of a Class
7 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and
8 be imprisoned not to exceed seven days.

9 (15) ~~(14)~~ Any person convicted of violating this section, if placed
10 on probation, shall, as a condition of probation, satisfactorily attend
11 and complete appropriate treatment and counseling on drug abuse provided
12 by a program authorized under the Nebraska Behavioral Health Services Act
13 or other licensed drug treatment facility.

14 (16) ~~(15)~~ Any person convicted of violating this section, if
15 sentenced to the Department of Correctional Services, shall attend
16 appropriate treatment and counseling on drug abuse.

17 (17)(a) ~~(16)(a)~~ Any person convicted of a violation of subsection
18 (1) of this section shall be punished by the next higher penalty
19 classification than the penalty prescribed in subsection (2), (7), (8),
20 (9), ~~or (10), or (11)~~ of this section if:

21 (i) The person knowingly or intentionally possessed a firearm while
22 in violation of subsection (1) of this section; or

23 (ii) Such violation resulted in the use of the controlled substance
24 and directly and proximately caused the death of, or serious bodily
25 injury to, another person.

26 (b) A penalty enhanced under this subsection shall in no event
27 result in a penalty greater than a Class IB felony.

28 (18) ~~(17)~~ A person knowingly or intentionally in possession of money
29 used or intended to be used to facilitate a violation of subsection (1)
30 of this section shall be guilty of a Class IV felony.

31 (19) ~~(18)~~ In addition to the existing penalties available for a

1 violation of subsection (1) of this section, including any criminal
2 attempt or conspiracy to violate subsection (1) of this section, a
3 sentencing court may order that any money, securities, negotiable
4 instruments, firearms, conveyances, or electronic communication devices
5 as defined in section 28-833 or any equipment, components, peripherals,
6 software, hardware, or accessories related to electronic communication
7 devices be forfeited as a part of the sentence imposed if it finds by
8 clear and convincing evidence adduced at a separate hearing in the same
9 prosecution, following conviction for a violation of subsection (1) of
10 this section, and conducted pursuant to section 28-1601, that any or all
11 such property was derived from, used, or intended to be used to
12 facilitate a violation of subsection (1) of this section.

13 (20) (19) In addition to the penalties provided in this section:

14 (a) If the person convicted or adjudicated of violating this section
15 is eighteen years of age or younger and has one or more licenses or
16 permits issued under the Motor Vehicle Operator's License Act:

17 (i) For the first offense, the court may, as a part of the judgment
18 of conviction or adjudication, (A) impound any such licenses or permits
19 for thirty days and (B) require such person to attend a drug education
20 class;

21 (ii) For a second offense, the court may, as a part of the judgment
22 of conviction or adjudication, (A) impound any such licenses or permits
23 for ninety days and (B) require such person to complete no fewer than
24 twenty and no more than forty hours of community service and to attend a
25 drug education class; and

26 (iii) For a third or subsequent offense, the court may, as a part of
27 the judgment of conviction or adjudication, (A) impound any such licenses
28 or permits for twelve months and (B) require such person to complete no
29 fewer than sixty hours of community service, to attend a drug education
30 class, and to submit to a drug assessment by a licensed alcohol and drug
31 counselor; and

1 (b) If the person convicted or adjudicated of violating this section
2 is eighteen years of age or younger and does not have a permit or license
3 issued under the Motor Vehicle Operator's License Act:

4 (i) For the first offense, the court may, as part of the judgment of
5 conviction or adjudication, (A) prohibit such person from obtaining any
6 permit or any license pursuant to the act for which such person would
7 otherwise be eligible until thirty days after the date of such order and
8 (B) require such person to attend a drug education class;

9 (ii) For a second offense, the court may, as part of the judgment of
10 conviction or adjudication, (A) prohibit such person from obtaining any
11 permit or any license pursuant to the act for which such person would
12 otherwise be eligible until ninety days after the date of such order and
13 (B) require such person to complete no fewer than twenty hours and no
14 more than forty hours of community service and to attend a drug education
15 class; and

16 (iii) For a third or subsequent offense, the court may, as part of
17 the judgment of conviction or adjudication, (A) prohibit such person from
18 obtaining any permit or any license pursuant to the act for which such
19 person would otherwise be eligible until twelve months after the date of
20 such order and (B) require such person to complete no fewer than sixty
21 hours of community service, to attend a drug education class, and to
22 submit to a drug assessment by a licensed alcohol and drug counselor.

23 A copy of an abstract of the court's conviction or adjudication
24 shall be transmitted to the Director of Motor Vehicles pursuant to
25 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a
26 juvenile is prohibited from obtaining a license or permit under this
27 subsection.

28 **Sec. 3.** Section 28-1354, Revised Statutes Supplement, 2025, is
29 amended to read:

30 28-1354 For purposes of the Public Protection Act:

31 (1) Enterprise means any individual, sole proprietorship,

1 partnership, corporation, trust, association, or any legal entity, union,
2 or group of individuals associated in fact although not a legal entity,
3 and shall include illicit as well as licit enterprises as well as other
4 entities;

5 (2) Pattern of racketeering activity means a cumulative loss for one
6 or more victims or gains for the enterprise of not less than one thousand
7 five hundred dollars resulting from at least two acts of racketeering
8 activity, one of which occurred after August 30, 2009, and the last of
9 which occurred within ten years, excluding any period of imprisonment,
10 after the commission of a prior act of racketeering activity;

11 (3) Until January 1, 2017, person means any individual or entity, as
12 defined in section 21-2014, holding or capable of holding a legal,
13 equitable, or beneficial interest in property. Beginning January 1, 2017,
14 person means any individual or entity, as defined in section 21-214,
15 holding or capable of holding a legal, equitable, or beneficial interest
16 in property;

17 (4) Prosecutor includes the Attorney General of the State of
18 Nebraska, the deputy attorney general, assistant attorneys general, a
19 county attorney, a deputy county attorney, or any person so designated by
20 the Attorney General, a county attorney, or a court of the state to carry
21 out the powers conferred by the act;

22 (5) Racketeering activity includes the commission of, criminal
23 attempt to commit, conspiracy to commit, aiding and abetting in the
24 commission of, aiding in the consummation of, acting as an accessory to
25 the commission of, or the solicitation, coercion, or intimidation of
26 another to commit or aid in the commission of any of the following:

27 (a) Offenses against the person which include: Murder in the first
28 degree under section 28-303; murder in the second degree under section
29 28-304; manslaughter under section 28-305; assault in the first degree
30 under section 28-308; assault in the second degree under section 28-309;
31 assault in the third degree under section 28-310; terroristic threats

1 under section 28-311.01; kidnapping under section 28-313; false
2 imprisonment in the first degree under section 28-314; false imprisonment
3 in the second degree under section 28-315; sexual assault in the first
4 degree under section 28-319; and robbery under section 28-324;

5 (b) Offenses relating to controlled substances which include: To
6 unlawfully manufacture, distribute, deliver, dispense, or possess with
7 intent to manufacture, distribute, deliver, or dispense a controlled
8 substance under subsection (1) of section 28-416; possession of marijuana
9 weighing more than one pound under subsection (13) ~~(12)~~ of section
10 28-416; possession of money used or intended to be used to facilitate a
11 violation of subsection (1) of section 28-416 prohibited under subsection
12 (18) ~~(17)~~ of section 28-416; any violation of section 28-418; to
13 unlawfully manufacture, distribute, deliver, or possess with intent to
14 distribute or deliver an imitation controlled substance under section
15 28-445; possession of anhydrous ammonia with the intent to manufacture
16 methamphetamine under section 28-451; and possession of ephedrine,
17 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
18 methamphetamine under section 28-452;

19 (c) Offenses against property which include: Arson in the first
20 degree under section 28-502; arson in the second degree under section
21 28-503; arson in the third degree under section 28-504; burglary under
22 section 28-507; theft by unlawful taking or disposition under section
23 28-511; theft by shoplifting under section 28-511.01; theft by deception
24 under section 28-512; theft by extortion under section 28-513; theft of
25 services under section 28-515; theft by receiving stolen property under
26 section 28-517; criminal mischief under section 28-519; and unlawfully
27 depriving or obtaining property or services using a computer under
28 section 28-1344;

29 (d) Offenses involving fraud which include: Burning to defraud an
30 insurer under section 28-505; forgery in the first degree under section
31 28-602; forgery in the second degree under section 28-603; criminal

1 possession of a forged instrument under section 28-604; criminal
2 possession of written instrument forgery devices under section 28-605;
3 criminal impersonation under section 28-638; identity theft under section
4 28-639; identity fraud under section 28-640; false statement or book
5 entry under section 28-612; tampering with a publicly exhibited contest
6 under section 28-614; issuing a false financial statement for purposes of
7 obtaining a financial transaction device under section 28-619;
8 unauthorized use of a financial transaction device under section 28-620;
9 criminal possession of a financial transaction device under section
10 28-621; unlawful circulation of a financial transaction device in the
11 first degree under section 28-622; unlawful circulation of a financial
12 transaction device in the second degree under section 28-623; criminal
13 possession of a blank financial transaction device under section 28-624;
14 criminal sale of a blank financial transaction device under section
15 28-625; criminal possession of a financial transaction forgery device
16 under section 28-626; unlawful manufacture of a financial transaction
17 device under section 28-627; laundering of sales forms under section
18 28-628; unlawful acquisition of sales form processing services under
19 section 28-629; unlawful factoring of a financial transaction device
20 under section 28-630; and fraudulent insurance acts under section 28-631;

21 (e) Offenses involving governmental operations which include: Abuse
22 of public records under section 28-911; perjury or subornation of perjury
23 under section 28-915; bribery under section 28-917; bribery of a witness
24 under section 28-918; tampering with a witness or informant or jury
25 tampering under section 28-919; bribery of a juror under section 28-920;
26 assault on an officer, an emergency responder, a state correctional
27 employee, a Department of Health and Human Services employee, or a health
28 care professional in the first degree under section 28-929; assault on an
29 officer, an emergency responder, a state correctional employee, a
30 Department of Health and Human Services employee, or a health care
31 professional in the second degree under section 28-930; assault on an

1 officer, an emergency responder, a state correctional employee, a
2 Department of Health and Human Services employee, or a health care
3 professional in the third degree under section 28-931; and assault on an
4 officer, an emergency responder, a state correctional employee, a
5 Department of Health and Human Services employee, or a health care
6 professional using a motor vehicle under section 28-931.01;

7 (f) Offenses involving gambling which include: Promoting gambling in
8 the first degree under section 28-1102; possession of gambling records
9 under section 28-1105; gambling debt collection under section 28-1105.01;
10 and possession of a gambling device under section 28-1107;

11 (g) Offenses relating to firearms, weapons, and explosives which
12 include: Carrying a concealed weapon under section 28-1202;
13 transportation or possession of machine guns, short rifles, or short
14 shotguns under section 28-1203; unlawful possession of a handgun under
15 section 28-1204; unlawful transfer of a firearm to a juvenile under
16 section 28-1204.01; possession of a firearm by a prohibited juvenile
17 offender under section 28-1204.05; using a deadly weapon to commit a
18 felony, possession of a deadly weapon during the commission of a felony,
19 or carrying a firearm or destructive device during the commission of a
20 dangerous misdemeanor under section 28-1205; possession of a deadly
21 weapon by a prohibited person under section 28-1206; possession of a
22 defaced firearm under section 28-1207; defacing a firearm under section
23 28-1208; unlawful discharge of a firearm under section 28-1212.02;
24 possession, receipt, retention, or disposition of a stolen firearm under
25 section 28-1212.03; unlawful possession of explosive materials in the
26 first degree under section 28-1215; unlawful possession of explosive
27 materials in the second degree under section 28-1216; unlawful sale of
28 explosives under section 28-1217; use of explosives without a permit
29 under section 28-1218; obtaining an explosives permit through false
30 representations under section 28-1219; possession of a destructive device
31 under section 28-1220; threatening the use of explosives or placing a

1 false bomb under section 28-1221; using explosives to commit a felony
2 under section 28-1222; using explosives to damage or destroy property
3 under section 28-1223; and using explosives to kill or injure any person
4 under section 28-1224;

5 (h) Any violation of the Securities Act of Nebraska pursuant to
6 section 8-1117;

7 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to
8 section 77-2713;

9 (j) Offenses relating to public health and morals which include:
10 Prostitution under section 28-801; pandering under section 28-802;
11 keeping a place of prostitution under section 28-804; labor trafficking,
12 sex trafficking, labor trafficking of a minor, or sex trafficking of a
13 minor under section 28-831; a violation of section 28-1005; and any act
14 relating to the visual depiction of sexually explicit conduct prohibited
15 in the Child Sexual Abuse Material Prevention Act; and

16 (k) A violation of the Computer Crimes Act;

17 (6) State means the State of Nebraska or any political subdivision
18 or any department, agency, or instrumentality thereof; and

19 (7) Unlawful debt means a debt of at least one thousand five hundred
20 dollars:

21 (a) Incurred or contracted in gambling activity which was in
22 violation of federal law or the law of the state or which is
23 unenforceable under state or federal law in whole or in part as to
24 principal or interest because of the laws relating to usury; or

25 (b) Which was incurred in connection with the business of gambling
26 in violation of federal law or the law of the state or the business of
27 lending money or a thing of value at a rate usurious under state law if
28 the usurious rate is at least twice the enforceable rate.

29 **Sec. 4.** Section 28-1701, Revised Statutes Supplement, 2025, is
30 amended to read:

31 28-1701 (1) A person shall not be arrested or prosecuted for an

1 eligible alcohol or drug offense if such person witnessed or was the
2 victim of a sexual assault and such person:

3 (a) Either:

4 (i) In good faith, reported such sexual assault to law enforcement;
5 or

6 (ii) Requested emergency medical assistance for the victim of the
7 sexual assault; and

8 (b) Evidence supporting the arrest or prosecution of the eligible
9 alcohol or drug offense was obtained or discovered as a result of such
10 person reporting such sexual assault to law enforcement or requesting
11 emergency medical assistance.

12 (2) A person shall not be arrested or prosecuted for an eligible
13 alcohol or drug offense if:

14 (a) Evidence supporting the arrest or prosecution of the person for
15 the offense was obtained or discovered as a result of the investigation
16 or prosecution of a sexual assault; and

17 (b) Such person cooperates with law enforcement in the investigation
18 or prosecution of the sexual assault.

19 (3) For purposes of this section:

20 (a) Eligible alcohol or drug offense means:

21 (i) A violation of subsection (3) or (14) ~~(13)~~ of section 28-416 or
22 of section 28-441;

23 (ii) A violation of section 53-180.02 committed by a person older
24 than eighteen years of age and under the age of twenty-one years, as
25 described in subdivision (4)(a) of section 53-180.05;

26 (iii) A violation of a city or village ordinance similar to
27 subdivision (3)(a)(i) or (ii) of this section; or

28 (iv) Attempt, conspiracy, solicitation, being an accessory to,
29 aiding and abetting, aiding the consummation of, or compounding a felony
30 with any of the offenses in subdivision (3)(a)(i), (ii), or (iii) of this
31 section as the underlying offense; and

1 (b) Sexual assault means:

(i) A violation of section 28-316.01, 28-319, 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04, 28-322.05, 28-703, or 28-1805, sex trafficking or sex trafficking of a minor under section 28-831, or subdivision (1)(c) or (g) of section 28-386 or subdivision (1)(d), (e), or (f) of section 28-707; or

(ii) Attempt, conspiracy, solicitation, being an accessory to, aiding and abetting, aiding the consummation of, or compounding a felony with any of the offenses listed in subdivision (3)(b)(i) of this section as the underlying offense.

11 2. Renumber the remaining sections and correct the repealer
12 accordingly.